REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7, 9, 11-17, 19, 21-27 and 29 are pending in this application. Claims 1, 11, and 21 are independent. Claims 1, 9, 11, 19, 21-27, and 29, are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112.   Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II.   REJECTIONS UNDER 35 U.S.C. §101

Claims 21-27 and 29 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. In particular, the Office Action alleged the claims were directed to a recording medium storing nonfunctional descriptive material.

Claims 21-27 and 29 are amended herein to overcome the rejection.

III. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-7, 9, 11-17, 19, 21-27 and 29 were rejected under 35 U.S.C. §102(e) as

allegedly anticipated by U.S. Patent Application Publication No. US 2002/0057894 A1 to Ishige

(hereinafter, "Ishige") in view of PCT App. No. PCT/US93/05780 (International Publ. No. WO

94/03851) of Kellner et al. (hereinafter, "Kellner").

Applicant respectfully traverses this rejection.

Claim 1 is representative and recites, *inter alia*:

> "<u>a position calculator for calculating a current clip read ending position and a next</u>
> <u>clip read starting position</u>, said current clip read ending position being the position
> in which to end reading of the currently reproduced clip from said data recording
> medium, said next clip read starting position being the position from which to
> start reading from said data recording medium the clip to be reproduced next
> following the current clip" (Emphasis added)

As understood by Applicant, Ishige relates to a video recording apparatus for recording

materials obtained by taking an image at the scene of gathering materials in a recording medium

capable of random access.

The Office Action at page 4 (continuing onto page 5) points to Ishige pars. [0041]-[0044]

and Claims 1-9 for the above recited feature of claim 1. However, there is no disclosure in

Ishige of the recited element.

At the cited location, Ishige describes the functions of controller (2) with reference to the

flowchart of Ishige, FIG. 3. Controller (2) receives encoded high resolution data and encoded

low resolution data, which the controller provides to the write/read circuit (3) on a timeshared

basis. The encoded low resolution data are supplied to the buffer (9) for transmission to an

exterior editing device (14). The editing decision list (EDL) indicating a result of the editing is

inputted to the receiver (8) and a decision is made (step 103) whether or not the EDL is inputted

from the receiver (8) to the controller (2). The controller (2) repeats step S103 until the EDL is

inputted thereto from the receiver 8. When the EDL is inputted from the receiver (8) the

received EDL is supplied to the write/read circuit (3). The supplied EDL is stored in the storage

medium 4 through the write/read circuit (3) where the processing ends. *Ishige*, Publ. App. pars.

[0041]-[0043].

Applicant asserts there is no suggestion the controller (2) of Ishige is performing the

function recited in claim 1. That is, there is no teaching or suggestion in Ishige of, "a position

calculator for calculating a current clip read ending position and a next clip read starting position,

said current clip read ending position being the position in which to end reading of the currently

reproduced clip from said data recording medium, said next clip read starting position being the

position from which to start reading from said data recording medium the clip to be reproduced

next following the current clip."

In contrast, claim 1 recites, "a position calculator for calculating a current clip read

ending position and a next clip read starting position, said current clip read ending position being

the position in which to end reading of the currently reproduced clip from said data recording

medium, said next clip read starting position being the position from which to start reading from

said data recording medium the clip to be reproduced next following the current clip."

The controller (11) of the present invention is a "position calculator." Controller (11) of

the present invention is performs a different function from controller (2) of Ishige, which was

described above.

In the present application, where reproduction proceeds in accordance with the play-list, the controller (11) supplies the ending position of the current clip and the starting position of the next clip. In that case, the low-resolution decoder control block (12) supplies a low-resolution data read request reflecting the ending position of the current clip and the starting position of the next clip. More specifically, upon receipt of the ending position of a given clip from the controller (11), the low-resolution decoder control block (12) outputs a low-resolution data read request requesting the low-resolution data from the carton having the designated ending position, but does not output a low-resolution data read request requesting the low-resolution data from the next carton. On receiving the starting position of a given clip from the controller (11), the low-resolution decoder control block (12) outputs a low-resolution data read request requesting the low-resolution data from the carton having the designated starting position. Thereafter, the low-resolution decoder control block (12) outputs successively low-resolution data read requests each requesting the low-resolution data from the carton next to the one requested previously, until the output of a low-resolution data read request requesting the low-resolution data from, say, the carton having the ending position of the clip. Publ. App. par. [0092], *See, also, for example,* Publ. App. pars. [0087] and [0128].

Ishige does not teach any position calculator that performs the function of the present invention's controller (11). That is, there is no disclosure in Ishige of a position calculator for calculating a current clip read ending position and next clip read starting position as recited in claim 1 of the present application. The controller (11) of this application detects the positions and judges whether it is ready for outputting the first data in accordance with the detected next clip read starting position.

Kellner does not add the elements missing from Ishige as described above.

Therefore, Applicant submits that claim 1 is patentable over Ishige and Kellner because those references taken alone or in combination do not teach or suggest each and every element recited in the claim.

For similar reasons as those described above, claims 11 and 21 are also patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.
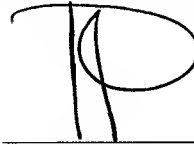
CONCLUSION

Claims 1-7, 9, 11-17, 19, 21-27 and 29 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in

this application are patentable and Applicants respectfully request early passage to issue of the

present application.

Respectfully submitted,

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